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600 CONGRESS AVENUE, SUITE 2400

AUSTIN, TEXAS 78701

WWW.FULBRIGHT.COM

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TELEPHONE: 512-474-5201

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TO

Dianne E. Maggard

Facsimile No.: (703) 308-6200

Voice Phone No.: (703) 305-4673

FROM

David L. Parker

Phone No.: (512) 536-3055

User ID: 01982 **Floor:** 20th

COMMENTS

Ms. Maggart:

The attached submission was requested by the Board at oral argument in Mar Tormo et al., App. No. 2000-1898, USSN 08/726,211.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mar Tormo

Ana M. Tari

Gabriel Lopez-Berestein

Serial No.: 08/726,211

Filed: October 4, 1996

For: INHIBITION OF BCL-2 PROTEIN
EXPRESSION BY LIPOSOMAL
ANTISENSE
OLIGODEOXYNUCLEOTIDES

Group Art Unit: 1636

Examiner: R. Schwartzman

Atty. Dkt. No.: UTXC:504/STA

App. No. 2000-1898

CERTIFICATE OF TELEFAX FILING

I hereby certify that this correspondence is being filed by
telefax to the Board of Appeals, Atty. Dianne Maggert, on
the date below:

12/3/01
Date

Signature

**SUBMISSION OF REFERENCES REQUESTED
BY BOARD, APPEAL NO. 2000-1898**

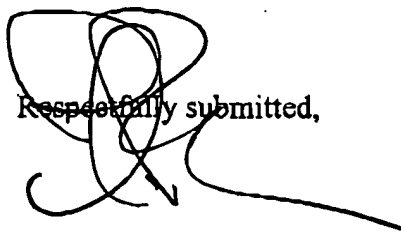
Board of Patent Appeals and Interferences
Washington, D.C. 20231

At oral argument in app. no. 200-1898, the Board requested submission of copies of Loke *et al.* references that are referred to at page 59 of the Evan PCT application. Appellants are therefore forwarding a copy of Loke *et al.*, *Proc. Natl. Acad. Sci., USA*, 86:3474-3478 (1989) and Loke *et al.*, *Curr. Top. in Microbiol. and Immunol.*, 141:282-289 (1988).

The Loke *et al.* references are referred to by Evan at page 59, lines 6-8, as providing liposomes that would be suitable for effective delivery of bcl-2 antisense oligonucleotides.

Appellants have argued in this appeal that the references relied upon by Evan teach only charged and not neutral liposomes (see, e.g., Reply Brief at top of page 6). Appellants have reviewed the Loke *et al.* references and find that the Loke *et al.*, 1988, article describes the preparation of liposomes composed of phosphatidyl serine at the top of page 284. No mention of liposomes or lipid complexes can be found in the Loke *et al.*, 1989, article. The fact that phosphatidyl serine is a charged, and not a neutral, lipid can be seen from the enclosed structure and description of phosphatidyl serine, recently obtained off of the internet, showing it to be an acidic, anionic, phospholipid.

Respectfully submitted,



David L. Parker
Reg. No. 32,165
Attorney for Applicants

FULBRIGHT & JAWORSKI
2400 One American Center
600 Congress Ave.
Austin, TX 78701
(512) 474-5201

Date: December 3, 2001